

The opinion in support of the decision being entered  
today was not written for publication and  
is not binding precedent of the Board.

Paper No. ~~130~~ 47

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

UNIVERSITY OF IOWA RESEARCH FOUNDATION,  
COLEY PHARMACEUTICAL GROUP, INC., and  
THE UNITED STATES OF AMERICA, as represented by  
the Department of Health and Human Services  
(Patent No. 6,207,646),  
Junior Party

v.

THE REGENTS OF  
THE UNIVERSITY OF CALIFORNIA  
(Application No. 09/265,191)  
Senior Party

Patent Interference No. 105,171

Before PATE, SCHAFER and MOORE, *Administrative Patent Judges*.

PATE, *Administrative Patent Judge*.

**JUDGMENT UNDER 37 CFR § 41.127**

In a motion decision under 37 CFR § 41.125, a panel of this Board decided the threshold issue of University of Iowa motion 3 for judgment that University of California's sole claim in interference, claim 205, is barred by the provisions of 35 U.S.C. § 135(b)(1). The motion was GRANTED. Accordingly, judgment is entered against the senior party.

MAILED

MAR 10 2005

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES



Interference No. 105,171

Attorneys for The Regents of the University of California

R. Danny Huntington, Esq.  
Malcolm K. McGowan, Ph.D, Esq.  
Burns, Doane, Swecker & Mathis, LLP  
1737 King Street, Suite 500  
Alexandria, VA 22313

Attorney for Iowa Research Foundation, et al.

Lawrence M. Green, Esq.  
Edward R. Gates, Esq.  
Wolf, Greenfield & Sacks, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, MA 02210